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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,219	07/07/2003	John R. Klug	11060.01	8667

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EXAMINER
NGUYEN, PHUOC H

ART UNIT	PAPER NUMBER
2143	

DATE MAILED: 02/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *14 November 2005*.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-25 and 28-39* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-25 and 28-39* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Request for Continued Examination

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible

for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been

timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR

1.114.

2.   Amendment received on November 17, 2005 has been entered into record.

3.   Claims 1-25, and 28-39 remain pending.

Response to Amendment

3.   This office action is in response to the applicants Amendment filed on November 17,

2005. Applicant have been amended claims 1, 2, 8, 9, 21, 23, cancelled claims 26-27, and added

claims 30-39. Claims 1-25 and 28-39 are presented for further consideration and examination.

4.   Applicant's arguments with respect to claims 1, 9, and 21 have been considered but are

moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 1-25, and 28-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Servan-Schreiber et al. (Hereafter, Servan-Schreiber) U.S. Patent 6,892,354 in view of Rakavy et

al. (Hereafter, Rakavy) U.S. Patent 6,317,789.

7.   Regarding claim 1, Servan-Schreiber discloses a system for providing node targeted

content in an addressable network (Abstract), comprising: an access request receipt module

(Abstract); a module configured to provide information in response to the access request, and a

module configured to present at least one message (e.g. advertisement(s)) displayed prior to

completing display of the information (col. 1 lines 50-67; and col. 2 lines 60-65); however,

Servan-Schreiber fails to teach a message selection module providing at lease one message

choice option.

        Rakavy teaches a message selection module providing at lease one message choice option

(col. 3 lines 5-15).

        It would have been obvious to one of the ordinary skill in the art at the time of the

invention was made to incorporate Rakavy's teaching into Servan-Schreiber's method to provide

a message selection module providing at lease one message choice option to the user in order to

minimize interference to other processes executing on the computer and providing the user to

select which advertisements and other information that is more useful to the user.

8.   Regarding claims 2 and 23, Servan-Schreiber further discloses a module configured to

provide information in response to the access request, and a module configured to present at least

one message; however, Servan-Schreiber fails to teach a user profile containing user

demographic information, and a base message set from which the at least one message is chosen, wherein the choice of the message is additionally based on the user information.

Rakavy teaches a user profile containing user demographic information (e.g. each user is assigned to an unique user-ID which a specific user reference information, col. 5 lines 42-55), and a base message set from which the at least one message is chosen, wherein the choice of the message is additionally based on the user information (col. 3 lines 52-59).

It would have been obvious to one of the ordinary skill in the art at the time of the invention was made to incorporate Rakavy's teaching into Servan-Schreiber's method to add the user profile with user reference information in order to provide the appropriate advertisements that the user refer to view while the system is in the idle mode.

9.   Regarding claim 3, Servan-Schreiber further discloses a first transmission module operative to transmit the information, and a second transmission module operative to transmit the at least one message (col. 2 lines 60-65).

10.   Regarding claim 4, Servan-Schreiber further discloses the second transmission module is further operative to transmit the entirety of the base message set prior to the transmission module transmitting the information (col. 3 last paragraph).

11.   Regarding claim 5, Servan-Schreiber further discloses the second transmission module transmits the at least one message during transmission of the information by the first transmission module (col. 3 2nd paragraph).

12.   Regarding claim 6, Servan-Schreiber further discloses the first and second transmission modules are the same (col. 3 last paragraph).

13.   Regarding claim 7, Servan-Schreiber further discloses the message is an advertisement (col. 1 lines 58-63).

14.   Regarding claim 8, Servan-Schreiber further discloses a module configured to provide information in response to the access request, and a module configured to present at least one message; however, Servan-Schreiber fails to the user demographic information is specified by a user, the access request receipt module is located at a first site of the addressable network, the user profile is stored in a database, and the database is located at a second site of the addressable network.

Rakavy teaches the user demographic information is specified by a user, the access request receipt module is located at a first site of the addressable network, the user profile is stored in a database, and the database is located at a second site of the addressable network (col. 6 last paragraph through col. 7 1st paragraph).

It would have been obvious to one of the ordinary skill in the art at the time of the invention was made to incorporate Rakavy's teaching into Servan-Schreiber's method to have a database which perform storing user listing and user reference information in order for the collection of data arranged for ease and speed of search and retrieval.

15.   Regarding claim 9, Servan-Schreiber discloses a system for providing node targeted content in an addressable network (Abstract), comprising: a web browser configured to receive and communicate a request to connect with a network node identified by an uniform resource locator and in response thereto to receive and present information provided by the network node (Figures 1 and 2); and a first module configured to determine a time period (e.g. idle time) available for presenting one or more messages (e.g. advertisement(s)), a second module

configured to present at least one message during the time period (col. 2 lines 66 through col. 3 2nd paragraphs); however, Servan-Schreiber fails to teach a message selection module providing, in response to a connection request, at least option for choosing a message content category; wherein upon selecting at least one message content category, at least one message associated with a chosen message content category is presented to the user during the time period.

Rakavy teaches a message selection module providing, in response to a connection request, at least option for choosing a message content category; wherein upon selecting at least one message content category, at least one message associated with a chosen message content category is presented to the user during the time period. (col. 3 lines 5-15).

It would have been obvious to one of the ordinary skill in the art at the time of the invention was made to incorporate Rakavy's teaching into Servan-Schreiber's method to provide a message selection module providing at least option choosing a message content category in order to minimize interference to other processes executing on the computer and allowing the user to select which category of advertisements that is more useful to the user.

16.   Regarding claim 10, Servan-Schreiber further discloses the time period further comprises a quantity of time needed for the web browser to establish the connection with the network node and to retrieve and present a viewable portion of the information (col. 2 last paragraph through col. 3 1st paragraph).

17.   Regarding claims 11-13, Servan-Schreiber further discloses the time period is predetermined, indefinite, less than an amount of time necessary for the web browser to request, retrieve and present a first frame of information formatted using hyper text markup language (col. 3 2nd paragraph; and col. 4 lines 24-41).

18.   Regarding claims 14-15, Servan-Schreiber further discloses the message is terminated upon expiration of the time period, and the message is terminated prior to expiration of the time period and in conjunction with the presentation of at least a portion of the retrieved information (col. 3 2nd paragraph; and col. 4 lines 24-41).

19.   Regarding claim 16, Servan-Schreiber further discloses at least one message is selected based upon the time period available (col. 3 2nd paragraph; and col. 4 lines 24-41).

20.   Regarding claim 17, Servan-Schreiber further discloses the at least one message is selected based upon a user profile (col. 4 lines 51-60).

21.   Regarding claim 18, Servan-Schreiber further discloses user profile is stored at a node remote to the web browser (col. 4 lines 51-60).

22.   Regarding claim 19, Servan-Schreiber further discloses the user profile is derived from Internet usage (col. 4 lines 51-60).

23.   Regarding claim 20, Servan-Schreiber further discloses the message presented is selected based upon the amount of the information provided by the network node (col. 4 lines 42-60).

24.   Regarding claim 21, Servan-Schreiber discloses a method for providing one or more messages to an Internet user, during an Internet session, (Figures 1 and 2) comprising: receiving a request from an Internet user, during a current Internet session, to establish a connection with a first Internet site, the request including an address identifying content available from an Internet site (Figures 1 and 2); estimating a first time period (e.g. idle time) necessary to retrieve the content from the Internet site identifying, in response to the request (col. 2 lines 66 through col. 3 2nd paragraphs); however, Servan-Schreiber fails to teach at least one message choice option to present to the Internet user, processing an identification by a user of at least one message choice

option; and responsive to the identification, presenting at least one message associated with the

at least one message choice option during at least a portion of the first time period.

Rakavy teaches at least one message choice option to the user, processing an

identification by a user of at least one message choice option and responsive to the identification,

presenting at least one message associated with the at least one message choice option during at

least a portion of the first time period (col. 3 lines 5-15).

It would have been obvious to one of the ordinary skill in the art at the time of the

invention was made to incorporate Rakavy's teaching into Servan-Schreiber's method to provide

at least one message choice option to present to the user, and presenting at least one message

associated with the at least one message choice option during at least a portion of the first time

period, as a result, it allows user to select which message that the user want to view during the

waiting state.

25.   Regarding claim 22, Servan-Schreiber further discloses the message is presented for a

second time period, the second time period being longer than the first time period (col. 4 lines

33-38).

26.   Regarding claim 24, Servan-Schreiber further discloses the content is retrieved using at

least one of the file transfer protocol and the hypertext transfer protocol (col. 2 lines 60-65).

27.   Regarding claim 25, Servan-Schreiber further discloses the message is obtained from a

local data store (e.g. user cache) established during a previous Internet session (col. 3 lines 59-

65).

28.   Regarding claims 28-29, Servan-Schreiber further discloses the message is presented

during a loading time of the content and is terminated based upon a loading state, and the loading

state is user specified (col. 3 2nd paragraph; and col. 4 lines 24-41).

29.   Regarding claim 30, Servan-Schreiber further discloses the message is terminated based

upon a monitoring of communications between a server hosting the first module and a web

browser receiving the information (Abstract; col. 3 lines 30-42).

30.   Regarding claim 31, Servan-Schreiber further discloses a method for providing one or

more messages to an Internet user, during an Internet session; however, Servan-Schreiber fail to

teach at least one of the message choice options includes an option of not receiving any

messages.

        Rakavy teaches at least one of the message choice options includes an option of not

receiving any messages (col. 9 lines 45-51; col. 10 lines 48-51).

        It would have been obvious to one of the ordinary skill in the art at the time of the

invention was made to incorporate Rakavy's teaching into Servan-Schreiber's method to provide

the option choice of not receiving any messages as a result provide a user with a flexibility of

choosing whether the user want to view advertisement or not during the waiting state.

31.   Regarding claim 32, Servan-Schreiber further discloses the time period is determined

based upon an operating speed of the network node providing the information (col. 3 liens 10-

21).

32.   Regarding claim 33, Servan-Schreiber further discloses the time period is further

determined based upon an amount of information to be presented (col. 3 lines 30-42).

33.   Regarding claim 35, Servan-Schreiber further discloses time period is determined based upon a configuration of a data communications path from the network node providing the information to the web browser (Figure 2; col. 2 lines 67 through col. 3 lines 5).

34.   Regarding claims 34, and 36-38, Servan-Schreiber teaches a method for providing one or more messages to an Internet user, during an Internet session; however, Servan-Schreiber fail to teach time period is further determined based upon a determination of network congestion, upon a configuration of a data communications path from the network node providing the information to the web browser, bandwidth of the data communications path, communications protocol utilized in the addressable network, and an operating speed of a processor used to execute the module configured to present the at least one message.

Rakavy teaches a method for determining the time period based upon a determination of communications line utilization rate and transmitting data during times of low communications line utilization (col. 7 lines 41 through col. 8 lines 4).

It would have been obvious to one of the ordinary skill in the art at the time of the invention was made to incorporate Rakavy's teaching into Servan-Schreiber's method to determine the time period based upon a determination of communications line utilization rate and transmitting data during times of low communications line utilization in which provide an efficient way to send the target advertisement to user during the waiting state.

35.   Regarding claim 39, Servan-Schreiber discloses providing one or more messages to an Internet user, during an Internet session; however, Servan-Schreiber fails to teach a module configured to present at least one of the messages as a screen saver during a period of inactivity for a computer hosting a web browser utilized to present the information.

Rakavy teaches a module configured to present at least one of the messages as a screen saver during a period of inactivity for a computer hosting a web browser utilized to present the information (col. 3 lines 35-41).

It would have been obvious to one of the ordinary skill in the art at the time of the invention was made to incorporate Rakavy's teaching into Servan-Schreiber's method to present at least one of the messages as a screen saver during a period of inactivity for a computer in order to attract the user while waiting for response.

Conclusion

36. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ferguson U.S. Patent 6,769,019

Maddalozzo, Jr. et al. U.S. Patent 5,787,254

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuoc H. Nguyen whose telephone number is 571-272-3919. The examiner can normally be reached on Monday - Friday.
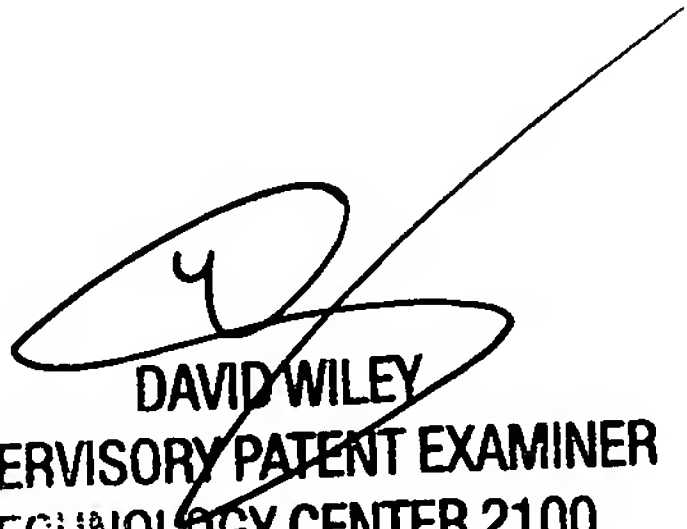
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

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system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phuoc H Nguyen
Examiner
Art Unit 2143

February 17, 2006

DAVID WILEY
SUPERVISORY PATENT EXAMINER
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